

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Periodic Reporting of Service Performance

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Docket No. RM2022-7

**COMMENTS OF ALLIANCE OF NONPROFIT MAILERS
IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING
TO REVISE PERIODIC REPORTING OF SERVICE PERFORMANCE**

(October 28, 2022)

Pursuant to Commission Order No. 6275, the Alliance of Nonprofit Mailers (the “Alliance”) respectfully comments on the proposed rules governing the Postal Service’s service performance reporting to be codified at 39 C.F.R. Part 3055.¹

The Alliance generally favors the proposed rules, and we appreciate the Commission’s acknowledgment and support of several Alliance recommendations in response to the Advance Notice of Proposed Rulemaking.² The Alliance supports several specific proposals, including:

- The reporting of on-time service performance and actual delivery days in the Public Performance Dashboard of nonprofit Marketing Mail (“NPMM”) separately from commercial Marketing Mail and of nonprofit Periodicals separately from commercial Periodicals (proposed 39 C.F.R. § 3055.102(i));
- The reporting of on-time service performance and actual delivery days in the Public Performance Dashboard of Political mail and Election mail separately from NPMM and separately from each other (proposed 39 C.F.R. §§ 3055.102(f); (g)); and
- The separate reporting of on-time service performance and actual delivery days in the Public Performance Dashboard of First-Class Single-Piece Reply Mail, which is used extensively by nonprofit mailers (proposed 39 C.F.R. § 3055.102(h)).

¹ See Notice of Proposed Rulemaking, 87 Fed. Reg. 59363-59370 (Sept. 30, 2022).

² See Order No. 6275, Docket No. RM2022-7 (Sept. 21, 2022) at 22.

The Alliance believes that each of these proposals satisfies the statutory criteria of improving the quality, accuracy, and completeness of the Postal Service's reported data, and that these proposed revisions to the CFR are in the public interest.³ We encourage the Commission to promulgate them in a final rule.

The Commission Should Further Disaggregate Certain Reported Service Data When it Publishes a Final Rule

The proposed rules would require the reporting of nonprofit mail within the Marketing Mail and Periodicals classes separately from commercial mail in those classes. And the proposed rules would require the reporting of Political and Election mail separately from NPMM. The converse does not appear to be true, however: we do not read proposed section 3055.102(i) as requiring the Postal Service to report NPMM without the inclusion of Political and Election mail.

As we did in our comments to the Advance Notice, the Alliance again urges the Commission to require the Postal Service to report service performance for “regular” NPMM separately from Political and Election mail. Most Political mail (*e.g.*, campaign, issue, and candidate advertisements) and Election mail (*e.g.*, ballots) is sent via NPMM. However, Political mail and ballots serve different purposes than do other types of Marketing Mail that qualify for reduced nonprofit rates, and they are subject to different service treatment than are “regular” nonprofit Marketing Mail pieces.

Political and Election mail are given special handling by the Postal Service, and they typically travel a much shorter distance – often within a city, county, or state – than does “regular” NPMM. The Postal Service recently began utilizing “extraordinary measures” to expedite the delivery of ballots from voters to election officials, such as

³ 39 U.S.C. § 3652(e)(2).

extra deliveries and collections, arranging special pickups, expanded hours at processing facilities, and bypassing some standard mail processing procedures to fast-track ballots to election officials.⁴

The service performance of non-Political and non-Election NPMM does not benefit from these “extraordinary measures.” Consequently, the inclusion of Political and Election mail in NPMM can distort nonprofit mail service data and obscure the level of service performance that nonprofit mailers actually receive. The Alliance requests that the final rules include a separate service performance reporting category for nonprofit mail (within the USPS Marketing Mail class) that excludes both Political and Election mail. This category could easily be added to the CFR as, for example, new section 3055.102(j) without disruption to the Commission’s regulatory scheme and without imposing any burden on the Postal Service (who would simply have to subtract from NPMM the Election and Political mail data that it must already measure and report). Indeed, because of the unique purposes and delivery characteristics of Political and Election mail within the larger NPMM category, the Alliance believes it would be appropriate to create a new product category for Election and Political mail.

Furthermore, the Alliance reiterates its request that First-Class Mail generated by nonprofit mailers be measured and reported separately in the dashboard from First-Class Mail generated by commercial mailers. As the Alliance explained in our

⁴ See Jory Heckman, “USPS Ready to Implement ‘Extraordinary Measures’ delivering ballots for 2022 Midterm Elections,” *Federal News Network* (Oct. 17, 2022), available at <https://federalnewsnetwork.com/agency-oversight/2022/10/usps-ready-to-implement-extraordinary-measures-again-delivering-2022-midterm-ballots/> (noting that, on average, it took USPS less than two days to deliver ballots to and from voters); see also Eric Katz, “USPS Is Delivering Ballots Faster in 2022,” *Government Executive* (Oct. 3, 2022), available at <https://www.govexec.com/management/2022/10/usps-delivering-ballots-faster-2022/377892/>.

comments to the Advance Notice, nonprofit organizations use First-Class stamps on outbound and/or response letters and purchase Business Reply Mail to increase response rates for fundraising solicitations. The value of the Public Performance Dashboard would be enhanced if on-time service performance and actual delivery days were measured and reported for nonprofit-generated First-Class Mail separately from commercially generated FCM. We request that the final rules incorporate this service performance reporting requirement.

Respectfully submitted,

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